

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15268 of 2018

V.P.Sabapathi

...Petitioner

Vs.

1.The Commissioner
Hindu Religious and Charitable
Endowments Department
Nungambakkam
Chennai - 600 034.

2.The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Dr.Balasundaram Salai
Coimbatore - 641 018.

3.The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department
Coimbatore.

4.Karthiban

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent herein to consider the representation dated 19.06.2018 given by the petitioner to the third respondent, while conducting an enquiry on merits as directed by this Hon'ble Court under its order dated 13.06.2018 in W.P.No.14170 of 2018 by giving a personal hearing to the writ petitioner.

For Petitioner : Mr.C.R.Prasanan

For Respondents : Mr.M.Maharaja [For R1 to R3]
Special Government Pleader [HR&CE]

O R D E R

The relief sought for in this writ petition is to direct the third respondent herein to consider the representation dated 19.06.2018 given by the petitioner to the third respondent for conducting an enquiry on merits as directed by this Hon'ble Court vide its order dated 13.06.2018 in W.P.No.14170 of 2018 after giving an opportunity of personal hearing to the writ petitioner herein.

2.The grievances of the writ petitioner is that the fourth respondent filed the earlier writ petition in W.P.No.14170 of 2018 dated 13.06.2018 and this court passed an order directing the third respondent-Assistant Commissioner to consider the representation of the petitioner on merits and pass orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

3.The grievances of the writ petitioner is that he was not a party respondent in that writ petition. However, he is a Hereditary Trustee of "Alukkusamiyar Thirukkivil" Vettaikaranpudur, Udayankulam Village, Pollachi Taluk and in this regard an original application bearing O.A.No.28 of 2015 has been filed under the provisions of the Hindu Religious and Charitable Endowment Act, which is now pending before the Joint Commissioner, Coimbatore. Therefore, he is an interested party and his objections are also to be taken into account and to be considered by the third respondent. While adjudicating the representation submitted by the fourth respondent. In the absence of considering the claim of the writ petitioner, the claim made by the fourth respondent cannot be considered, as the issues are inter related.

4.Considering the facts and circumstances of the case, the third respondent is directed to consider the representation dated 19.06.2018 submitted by the writ petitioner along with the representation submitted by the fourth respondent, pursuant to the order passed by this court on 13.06.2018 in W.P.No.14170 of 2018 and pass orders on merits and in accordance with law.

5.With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

may a

To

1.The District Collector
Thiruvannamalai
Office of the District Collector
Thiruvannamalai.

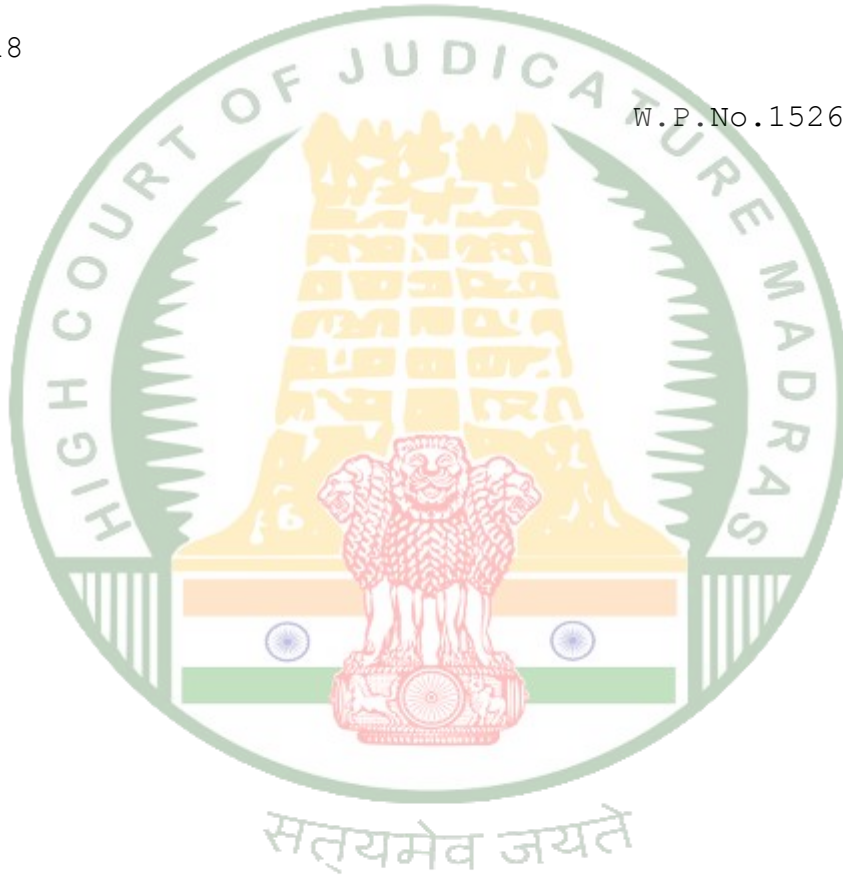
2.The Tahsildar
Vandavasi Taluk
Vandavasi, Thiruvannamalai District.

3.The Village Administrative Officer
Ammudur Village, Vandavasi Taluk
Thiruvannamalai District.

+lcc to Mr.C.R.Prasanan, Advocate Sr.No.40117
+lcc to Government Pleader Sr.No.40521

sm:3.7.2018

W.P.No.15268 of 2018



WEB COPY